

Docket Item # 3
BAR CASE # 2016-0160

BAR Meeting
December 20, 2017

ISSUE: Certificate of Appropriateness - Alterations

APPLICANT: Thomas Byrne, Applicant

LOCATION: 420 South Lee Street

ZONE: RM/ Residential Townhouse Zone

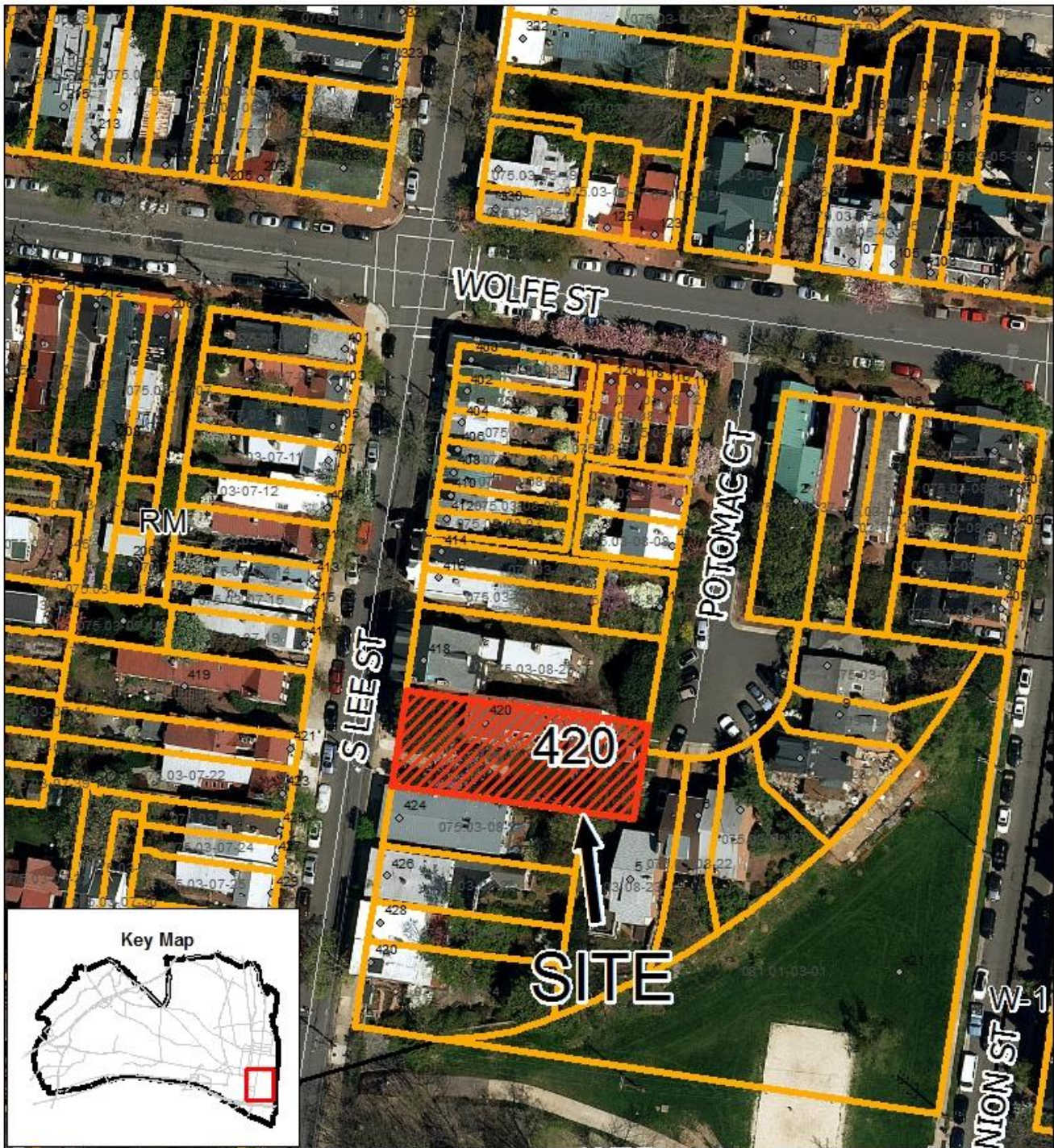
STAFF RECOMMENDATION

Staff recommends approval of the Certificate of Appropriateness application and Waiver of Fence Height Requirement with the following conditions:

1. The double gate may be no wider than 6' in total;
2. Either relocate the reduced width double gate to align with street facing front door or add a second gate that aligns with the front door;
3. Per City regulations, gates cannot swing into the public right-of-way;
4. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
5. The applicant shall not allow any metal detection or other artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped copy of the Certificate of Appropriateness or Permit to Demolish PRIOR to applying for a building permit. Contact BAR Staff, Room 2100, City Hall, 703-746-3833, or preservation@alexandriava.gov for further information.
2. **APPEAL OF DECISION:** In accordance with the Zoning Ordinance, if the Board of Architectural Review denies or approves an application in whole or in part, the applicant or opponent may appeal the Board's decision to City Council on or before 14 days after the decision of the Board.
3. **COMPLIANCE WITH BAR POLICIES:** All materials must comply with the BAR's adopted policies unless otherwise specifically approved.
4. **BUILDING PERMITS:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.
5. **EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.
6. **HISTORIC PROPERTY TAX CREDITS:** Applicants performing extensive, certified rehabilitations of historic properties may separately be eligible for state and/or federal tax credits. Consult with the Virginia Department of Historic Resources (VDHR) prior to initiating any work to determine whether the proposed project may qualify for such credits.



BAR Case #2016-00160
420 South Lee Street

0 0.004 0.008 0.016 0.024 0.032 Miles



Update: The BAR last reviewed and deferred this case on July 6, 2016. The following proposal includes updated materials. The use, the curb cut, parking and the preservation and scenic space easement are not within the purview of the BAR and are not discussed in this report.

I. BACKGROUND

On February 1, 2012, the BAR approved a Certificate of Appropriateness for alterations to the structurally unstable brick knee wall and antique cast iron fence along the front property line, along with other additions and alterations to the side and rear of the house. The changes to the fence included lowering the height of the brick wall by eight courses of brick and re-installation of the existing mid-19th century cast iron fence on top. The overall height of the fence and brick base was to be reduced from approximately 80” to approximately 64” tall. Following significant discussion, the Board approved the case, with conditions, by a roll call vote, 5-0 (BAR2012-0006). Condition #5, related to the fence/gate required that: *Complete construction drawings be submitted to Staff for approval prior to any modifications to the existing design of the front fence and gate.*

On March 28, 2012, building permit BLD2012-0506 was issued for work on main house and the fence was included in the overall scope of work. The work on the house was completed but the fence was not reconstructed and all building permits and BAR approvals for the 2012 project have now expired. On October 21, 2015, staff issued a notice of violation because the fence reconstruction project approved by the BAR was not completed and failure to replace the previous fence was, effectively, an unapproved demolition requiring a separate Permit to Demolish from the BAR.

On April 20, 2016 the BAR denied the applicant’s request for an after-the-fact Permit to Demolish the cast iron fence and brick knee wall which was previously located along the front property line. The Board found that at least two different fences, including an iron wicket and spear style fence, were present in front of this house for approximately 50 years and possibly almost 140 years, long enough for this landscape feature to have gained historic significance in its own right. The Board requested that the applicant return to the Board with a Certificate of Appropriateness application for either recreation of the wicket and spear fence documented in the 1930s photo, or the reinstallation of the cast iron fence on a lower brick base, as previously approved by the BAR in 2012.

On July 6, 2016, the BAR unanimously deferred an application very similar to the one now before the BAR. The BAR found that the proposal was not appropriate because of a lack of clear submission materials and the proposal of a gate that was not pedestrian in scale and did not relate to the entrance to the townhouse. The BAR’s deferral listed specific items to be included in the subsequent proposal:

1. a full site plan clearly showing the location of the wall, fence and gates, including section showing the topography;
2. details of the gate;
3. a detailed elevation of the fence; and a design with some portion of the brick knee wall, a pedestrian-scaled gate, and
4. the gate aligned with the entrance of the townhouse.

Staff notes that the state-chartered Alexandria Historical Restoration and Preservation Commission (AHRPC) holds a scenic and exterior architectural easement on this property. All alterations to the buildings, new construction and changes to the landscape must separately be reviewed and approved by the AHRPC. However, an easement is a private contract between the property owner and the easement holder and these are not regulated by the City. In addition, the potential ability to access parking on a parcel in the historic district from other than an alley or interior court, as required by the zoning ordinance, is a separate zoning issue and is not within the purview of the BAR. Approval of the design of a fence by the BAR is not endorsement of a use on the property.

II. ISSUE

The applicant's current submission is, essentially, the same one that the BAR previously deferred with only minor updates. However, this is simply an application to replace a fence to match the design of one shown in a historic photograph of this property and staff finds that the submitted materials, supplemented by staff and BAR recommendations at the hearing, may result in an acceptable and appropriate design. There has been an extensive history with this property related to the BAR. The previous staff report from July 6, 2016 outlines many of these and can be found as Attachment 3.

The applicant is requesting approval of a Certificate of Appropriateness for an alteration to replace the previous cast iron fence and brick knee wall located along the front property line with a 4' tall reproduction of the Victorian period wicket and spear fence shown in the 1930s era photograph of the property. The new fence will contain a pair of 5' wide gates (10' wide total opening) located six feet north of the southwest corner of the property. No gate is shown aligning with the front door of the Victorian period portion of the house facing Lee Street, as previously directed by the BAR.

III. HISTORY

The brick and frame dwelling at 420 S Lee Street is an example of the evolution of a prominent Alexandria house with numerous alterations over time and potentially different periods of cultural and architectural significance. According to Ethelyn Cox in her book, *Historic Alexandria, Virginia Street by Street*, p.91:

“House at 420 dates from an early outbuilding of 418 [which was completed in **1787**]. In 1840, Hugh Smith purchased the lot [at 418], of which the lot at 420 was a part. In April **1871**, Smith's executors conveyed 420 to John Aitcheson for \$530...”

The original structure is possibly absorbed into the central ell of the current building, though the brick on the south elevation shows many alterations, including a bold Greek Revival style architrave around the door and late 19th century segmental arches over the openings. The two-story portion of the house facing South Lee Street was built **ca1871**.

A wicket and spear fence was installed along the front property line some time prior to the **1930s** (Figure 2). Sometime after **1958**, an antique cast iron mid-19th century fence was added along the front property line and a Greek Revival style front door surround was installed (Figure 3). As noted in the October 21, 2015 Staff Recommendation at page 5 " ... the recent cast iron Victorian

period fence and brick retaining wall are not original to this house and were likely salvaged from somewhere else and installed in the mid- 20th century ... "



Figure 2: 1930's photo



Figure 3: 2012 photo with previous fence

A two-story, frame extension was added to the rear of the masonry addition by **1902**, according to Sanborn Fire Insurance maps. This early 20th century addition is clad with wood clapboard siding. A two-car garage was erected on the property **c1920**.

It is believed that the addition of the recent brick and salvaged cast iron Victorian fence, the Greek Revival entry architrave, keystone lintels on the façade, and the demolition of the garage were part of a larger renovation project sometime after **1958** to make the building look older. In 1968, the Board approved alterations to windows and a door on the building and in 2012 minor alterations to the rear addition, including a screened side porch.

IV. ANALYSIS

Fences are commonly installed at the front lot line of any property with a side garden, or where a structure is set back from the front lot line. The BAR's *Design Guidelines* state that "Fences, garden walls and gates should be appropriate in materials, design and scale to the period and character of the structure they surround." (Fences - Page 2) In this particular case, where a house has evolved over time, the most appropriate period and style for the front yard fence adjacent to the 1871 façade is a fence appropriate to that late 19th-c. Victorian period, so the applicant's proposal to reinstall a metal wicket (or hoop) and spear fence that is photographically documented at this site in the past, is historically and architecturally appropriate.

The applicant has indicated that they will match the size, design, materials and location of the fence shown at this site in the 1930s photo (Figure 2). Some, or all, of the fence could also be salvaged antique pieces but the applicant is having the solid iron fence and gates made by this company: www.arusticgarden.com. The applicant's request also includes a pair of 5' wide (each) gates that will align with the existing curb cut shown on the right side of the historic photo. The applicant has indicated that these will provide the sole pedestrian entrance to the property from

Lee Street, although they are not aligned in any way with the building or its entrance. Staff has found historic examples of paired gates matching this same design throughout the historic district and has no objection to the installation of paired gates, so long as they are pedestrian in scale and consistent with historic examples. However, based on historic examples, an appropriate gate size would be 2.5' or 3' wide for each gate, for a total opening of no more than six feet. Staff finds that the proposed gate opening width of nearly 10 feet would be entirely out of scale with the pedestrian sidewalk, the historic house and the historic streetscape. As the front yard slopes up slightly inside the sidewalk, swinging large gates into the property would also require additional grading.

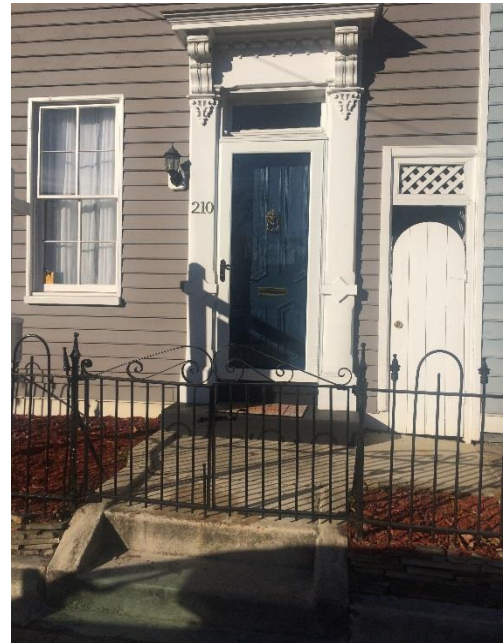


Figure 5: (L) 5' wide, 4' tall double gate entrance at 412 South Fairfax Street (image previously provided by the applicant) and (R) historic double gate at 210 North Alfred Street that is typical of that block.

The former pedestrian gate that aligned with the walk and the front door of the dwelling is to the left and outside of the image in the 1930s photo and the applicant does not propose to install another gate in that location. While staff can support a double gate that is appropriately scaled (no greater than six feet in total width for both gates), staff strongly recommends that a single gate also be installed that is aligned with the main entrance to the building on the north side of the property and does not support the applicant's request to remove the existing walkway. It is unusual and disruptive to the historic streetscape for an entry gate to not visually relate to the historic entry to the property. The entrance to the property has been located on the north side of the lot since 1871. As the property frontage is nearly 49 feet in width, staff finds that a single gate aligned with the house entrance and a small pair of gates at the southern part of the property is appropriate. Any fence or gate must be installed entirely on the subject property and gates may not swing over the public right-of-way, in accordance with City regulations.

Waiver of Front Yard Fence Height

Staff finds that the proposed fence meets the recommendations contained in the *Design Guidelines* as they pertain to materials and design but the Alexandria Zoning Ordinance limits the height of a fence and gate in the front yard to 3.5' in height. However, Per Section 7-202 (C) of the Zoning

Ordinance, “In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the Board of Architectural Review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.” Based on the measurement of several fences in the district, staff finds that the 4’ high fence is consistent with their height. The visually open historic design allows visibility into the front yard and meets the requirements for appropriateness and character for this period house.

With the Waiver of the Fence Height Requirement, staff finds that the 4’ wicket and spear metal fence is compatible with the period of significance of the late 19th century portion of the house fronting on South Lee Street and with the surrounding neighborhood and recommends approval of the Certificate of Appropriateness with the recommendations above as conditions of approval.

STAFF

Catherine K. Miliaras, Principal Planner, Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

V. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F- finding

Zoning Section

C-1 Proposed fence with gate height cannot exceed 3.50 feet and must be at least 50% open or a waiver from the board of architectural review shall be required. The proposed fence with gate must be located completely on the subject property (section 7-202(C)).

Transportation and Environmental Services

R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)

R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-3 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)

R-4 The fence must be completely contained on private property. (T&ES)

F-1 Previously reviewed under [BAR2012-00006, 00005, BAR2015-000097, BAR2016-00081, 00082] (T&ES)

F-2 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)

C-1 The applicant shall comply with the City of Alexandria’s Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-5 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Code Administration

No comment for fence alteration.

Alexandria Archaeology

- F-1. According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot may have been built originally as an outbuilding of Daniel Roberdeau's home at 418 S. Lee. Roberdeau served as a member of the Pennsylvania Committee of Safety during the Revolution and was a delegate to the Continental Congress. When his house was advertised for rent in 1792, outbuildings listed included a kitchen, smoke-house, stables, and carriage house. The property at 420 S. Lee therefore has the potential to yield archaeological resources that could provide insight into domestic activities in 18th and 19th – century Alexandria. However, given the relatively limited impact the proposed project is likely to have on the archaeological record, Alexandria Archaeology will not need to monitor it.
- R-1. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall not allow any metal detection or other artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

V. ATTACHMENTS

- 1 – Application for BAR2016-00160 at 420 South Lee Street
- 2 – Supporting Materials
- 3 – Staff Report for BAR2016-00160 at 420 South Lee Street from July 6, 2016 ([Click Link](#))

420 S. Lee St. Fence Proposal



The proposal is requesting a Certificate of Appropriateness to erect a new historically accurate wicket and spear fence and gate along the front (west) property line replicating wick and spear fence and gate shown in the attached c1930 photo. The proposed fence will replace a salvage fence installed on the property about 1960 (the salvage fence was dismantled to allow for the renovation of our home and has been stored on site).

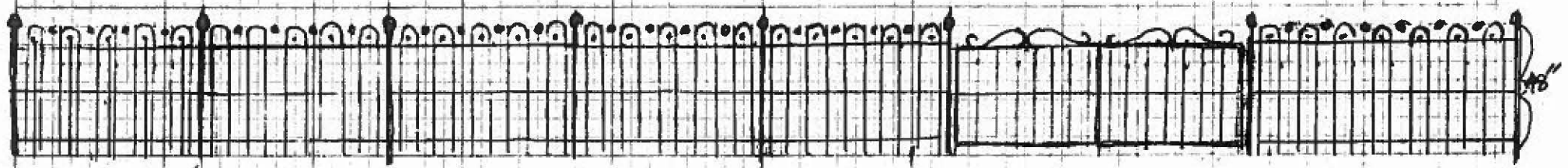
The proposed wick and spear fence with gate is part of the reorientation of the entrance to our home with the new gate and lead walk at the south end of the front property line. The proposal:

- 1) Is historically accurate unlike the current salvage fence;
- 2) Orients the visitor towards the largest and most historically most important part of the house which is the center flounder section;
- 3) Allows for plantings at the north end of the front yard to soften the 40 foot wide by 50-60 foot tall brick wall (south wall of the front section of 418 S Lee) running along the north property line.

HISTORY

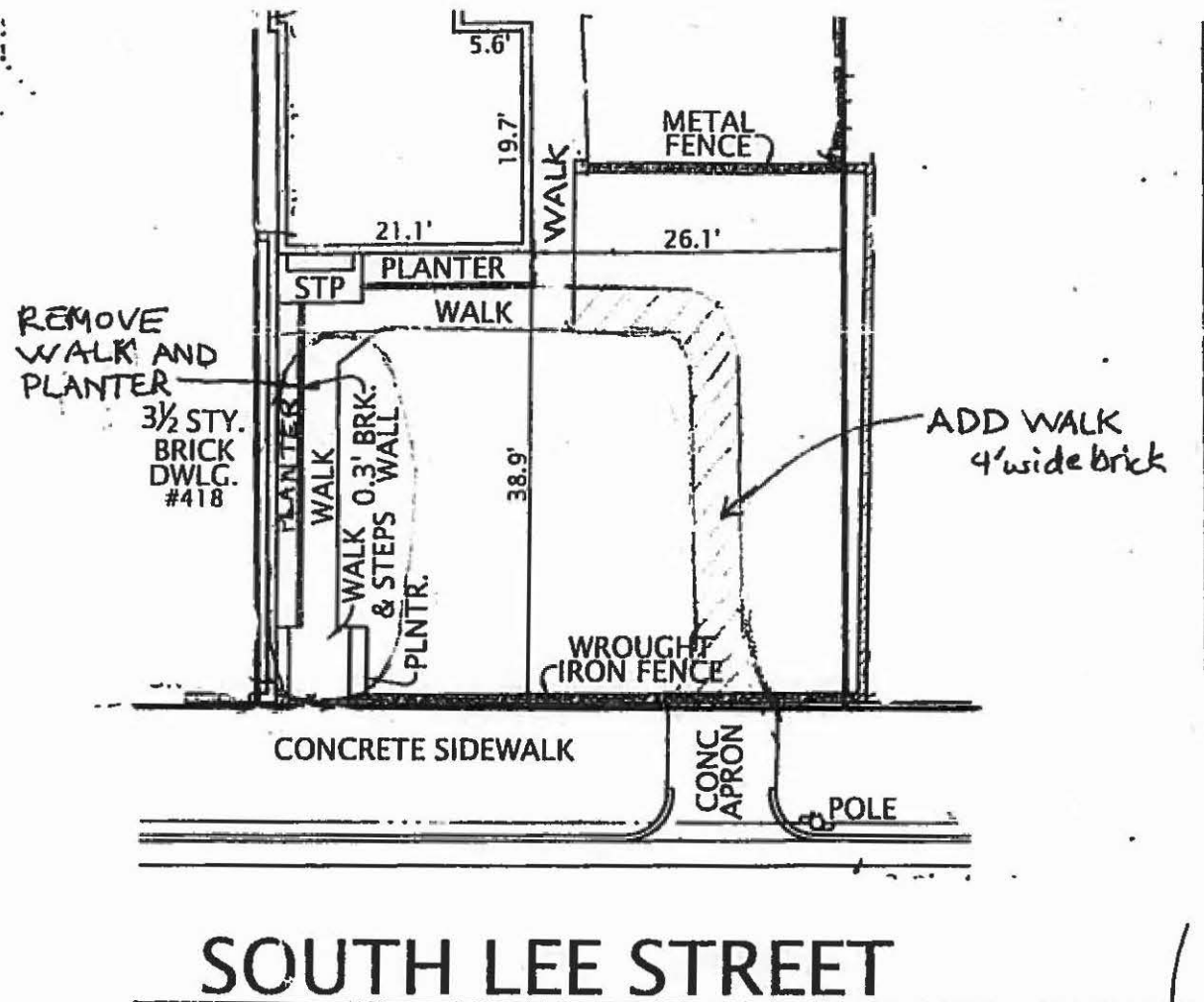
It was determined (during the recent construction) that the center and largest part of the home was a stand-alone brick flounder built about 1780 by John Fitzgerald (George Washington's trusted aide de camp and subsequently Mayor of Alexandria), William Herbert (Mayor of Alexandria), Valentine Peers (Fitzgerald's partner in the construction of the warehouses at Union and King Sts.), and Andrew Stewart (the 1774 deed naming the 4 men, and the 1796 insurance policy taken out by William Herbert have been previously submitted). The Roberdeau flounder (behind the front section at 418 S. Lee St.) was built on the lot which was the northern half block of the east side of S. Lee, and the subject flounder was built on the southern half block. The subject flounder (420 S. Lee) faced south looking over a bluff towards the Potomac River.

The flounder is now the center section of the house and can be seen from S. Lee Street but only from the south section of the front property line (where the proposed gate would be). It should also be noted that the front section of the house (facing S. Lee St.) was built after the Civil War (John Aitcheson purchased the home in 1871, see the house shape in the 1877 map of Alexandria). The wicket and spear fence of the c1930 photo was likely added to the property shortly after the front section of the house was constructed in the last quarter of the 19th century.



← 49' →

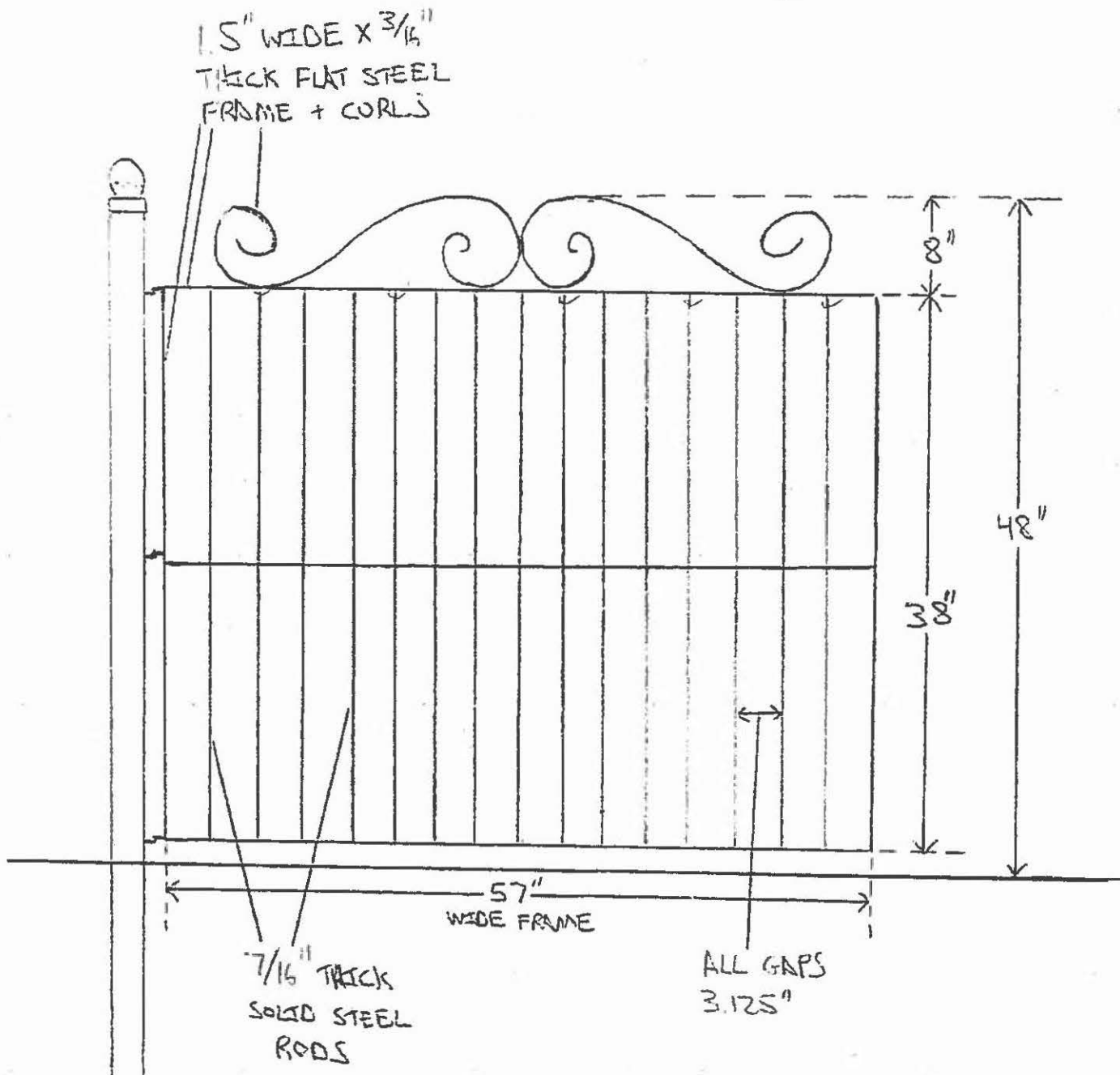
420 S. Lee St

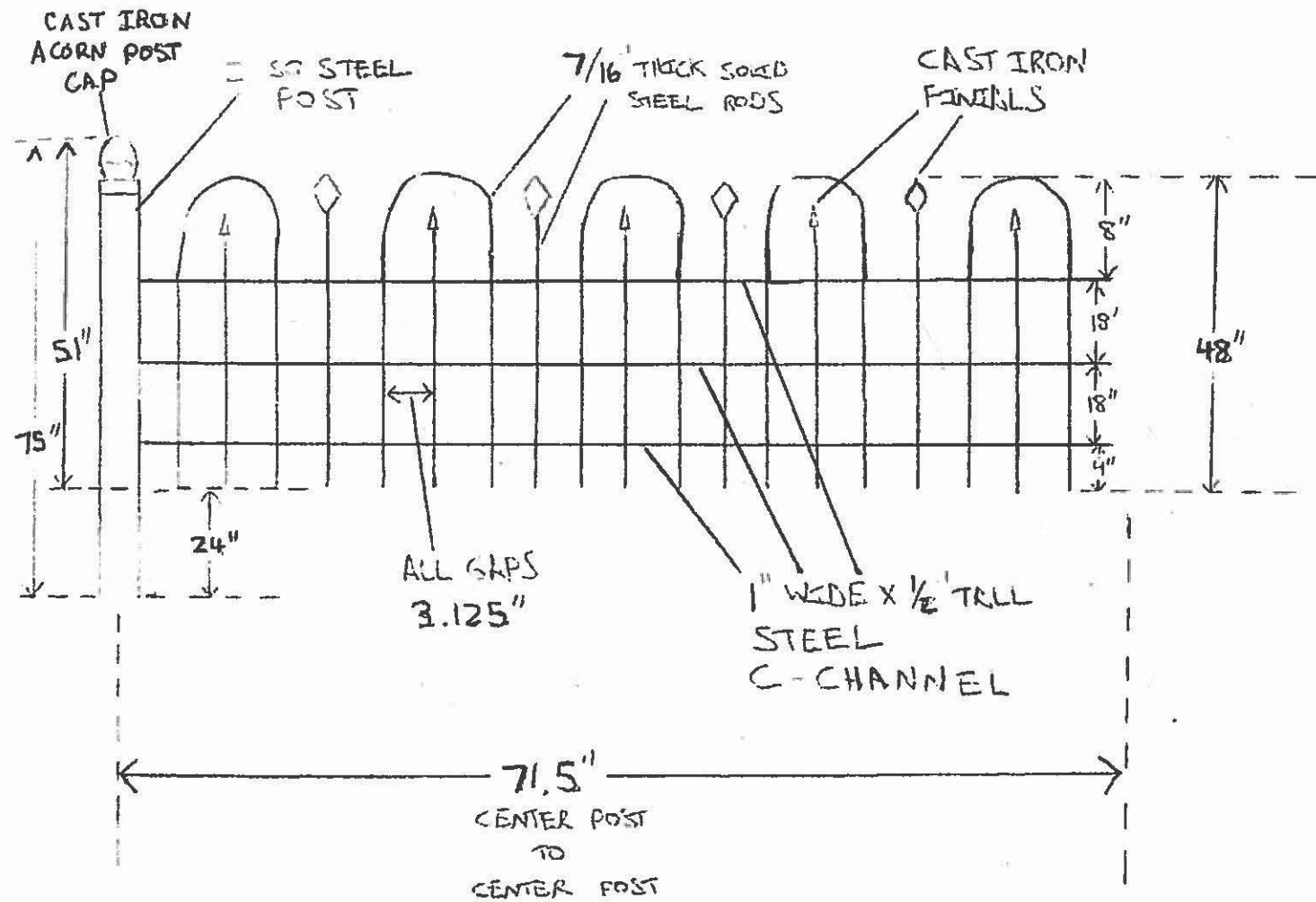


Application Materials
 BAR2016-00160
 420 South Lee
 Date Routed: 12.1.2017:

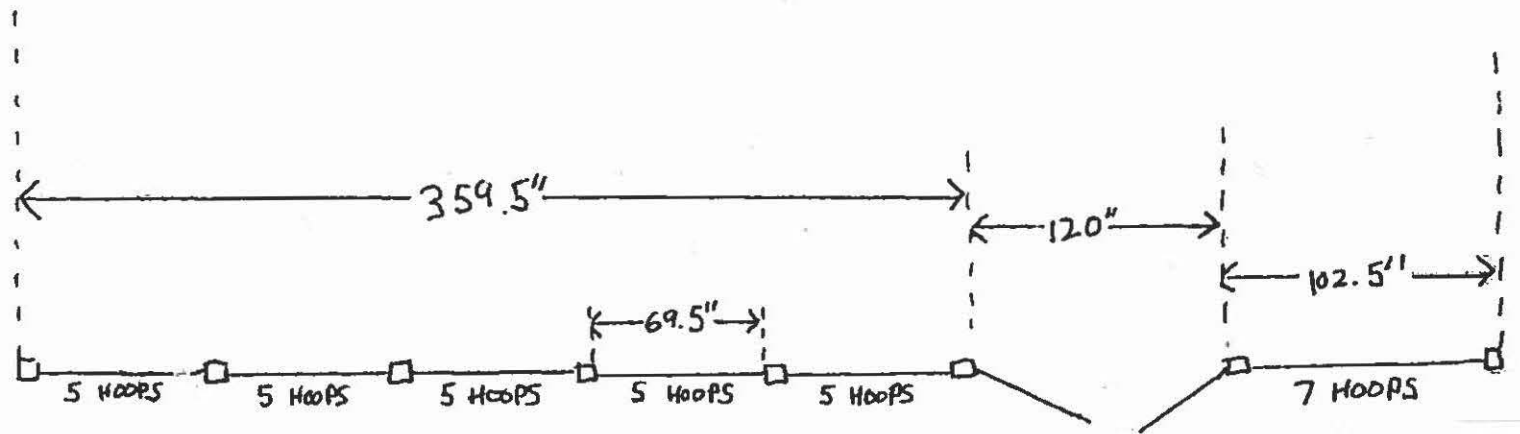
X2 GATES

TO CREATE 120" INSIDE
POST TO POST CENTER
DIVIDE GATE





Application Materials
 BAR2016-00160
 420 South Lee
 Date Routed: 12.1.2017:



Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

Thomas E Byrne

From: A Rustic Garden <info@arusticgarden.com>
Sent: Tuesday, June 14, 2016 4:22 PM
To: Thomas E Byrne
Subject: Re: 420 S Lee St. Alexandria VA: application materials



4.75" tall



3.875" tall



5" tall

Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017: